THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (MS) No. 1255 of 2006.

Uttar Pradesh Awav Evam Vikas Parishad through its Estate Management Officer, I-232-233, Nehru Colony, Dehradun.

… **Petitioner.**

Vs

1. Civil Judge, Senior Division, Dehradun.
2. Lata Singh W/O Sri V.P.Singh, R/O 47 Indira Nagar Colony, Dehradun.

…**Respondents.**

Sri Lalit Samant, learned counsel for the petitioner.
Sri R.C.Arya, Learned Standing Counsel for the respondent no.1.

Date September 06, 2006

P.C.: Hon'ble B.S. Verma, J.

Heard learned counsel and perused the record.

By means of this writ petition, the petitioner has prayed for issue of a direction to the respondent no.1 to decide Suit No. 966 of 2001, Lata Singh Vs. U.P.Avas Evam Vikas Parishad and others expeditiously, within a time bound period.

According to the petitioner, the respondent no.2-plaintiff filed a suit for mandatory and prohibitory injunction restraining the defendant-petitioner for allotting the land of plot no. 46 to any other person, which was registered as Civil Suit No. 966 of 2001 and copy of the plaint is Annexure No.5 to the writ petition. The learned Civil Judge (Senior Division) decided the interim applications moved by the plaintiff-respondent no.2 against which the respondent no.2 went up in appeal and the same ultimately was dismissed by the District Judge vide order dated 7-4-2005 passed in Misc.Civil Appeal No. 60 of 2005. The plaintiff then preferred a writ petition before this Court

which was dismissed for want of prosecution. According to petitioner, the respondent no.2 intends to prolong the litigation.

In the facts and circumstances of the case, it will be in the fitness of things to direct the learned Civil Judge (Senior Division) Dehradun to expedite decision of the civil suit, which has already become quite old, within a stipulated period.

Accordingly, the respondent no.1 is directed to decide the Civil Suit No. 966 of 2001, Lata Singh Vs. U.P.Avas Vikas Parishad and others, pending in his court expeditiously preferably within a period of nine months as far as possible from the date of production of certified copy of this order. The interim relief application stands disposed of.

With the aforesaid direction, the writ petition is disposed of finally.

(B.S. Verma,J.)

RCP